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FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 10 2021

SEAN F. McAVOY, CLERK
RICHLAND, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA)	NO: 4:19-CR-6069-SMJ-6
)	
vs.)	Plea Agreement
)	Rule 11(c)(1)(C)
JONATHAN PARRA)	
)	
)	

The United States of America, by and through Joseph H. Harrington,
Acting United States Attorney for the Eastern District of Washington, and
Benjamin D. Seal, Assistant United States Attorney for the Eastern District of
Washington, and Defendant, JONATHAN PARRA, and Defendant's counsel,
KEN THERRIEN, agree to the following Plea Agreement:

1. Guilty Plea:

Defendant, JONATHAN PARRA, agrees to plead guilty to Count One of the
Indictment in this case, charging Defendant with Conspiracy to Distribute One
Kilogram or More of Heroin, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(i)
and 846.

1 **2. Maximum Statutory Penalties:**

2 Defendant, JONATHAN PARRA, understands that this is a Class A felony
3 charge, which carries a maximum penalty of: a minimum of 10 years and
4 maximum of life imprisonment; a fine not to exceed \$10,000,000; at least 5 years
5 of supervised release; and a \$100 special penalty assessment.
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7
8 Defendant understands that a violation of a condition of supervised release
9 carries an additional penalty of re-imprisonment for all or part of the term of
10 supervised release without credit for time previously served on post-release
11 supervision.
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13 **3. Denial of Federal Benefits:**

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15 The Defendant understands that by entering a plea of guilty to Count One of
16 the Indictment in this case, the Defendant may no longer be eligible for assistance
17 under any state program funded under part A of title IV of the Social Security Act
18 (concerning Temporary Assistance for Needy Families) or benefits under the food
19 stamp program or any state program carried out under the Food Stamp Act
20 pursuant to 21 U.S.C. § 862a. Further, the Court may deny the Defendant's
21 eligibility to any grant, contract, loan, professional license, or commercial license
22 provided by an agency of the United States or by appropriated funds of the United
23 States pursuant to 21 U.S.C. § 862.
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1 **4. The Court is Not a Party to the Agreement:**

2 The Defendant understands that this Plea Agreement is entered into pursuant
3
4 to Fed. R. Crim. P. 11(c)(1)(C), and that the Defendant has the option to withdraw
5 from this Plea Agreement if the Court imposes a sentence of incarceration greater
6 than 135 months.
7

8 **5. Waiver of Constitutional Rights:**

9 Defendant, JONATHAN PARRA, understands that by entering this plea of
10 guilty Defendant is knowingly and voluntarily waiving certain constitutional
11 rights, including:
12

- 13 (a). The right to a jury trial;
14
15 (b). The right to see, hear and question the witnesses;
16
17 (c). The right to remain silent at trial;
18
19 (d). The right to testify at trial; and
20
21 (e). The right to compel witnesses to testify.

22 While Defendant is waiving certain constitutional rights, Defendant
23 understands that he/she retains the right to be assisted through the sentencing, and
24 any direct appeal of the conviction and sentence, by an attorney who will be
25 appointed at no cost if Defendant cannot afford to hire an attorney.
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1 **6. Effect on Immigration Status:**

2 Defendant, JONATHAN PARRA, recognizes that pleading guilty may have
3 consequences with respect to his/her immigration status if he/she is not a citizen of
4 the United States. Under federal law, a broad range of crimes are removable
5 offenses, including the offense to which Defendant is pleading guilty. Removal
6 and other immigration consequences are the subject of a separate proceeding,
7 however, and Defendant understands that no one, including his/her attorney or the
8 District Court, can predict to a certainty the effect of his/her conviction on his/her
9 immigration status. Defendant nevertheless affirms that he/she wants to plead
10 guilty regardless of any immigration consequences that his/her plea may entail,
11 even if the consequence is his/her automatic removal from the United States.
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16 **7. Elements of the Offense:**

17 The United States and Defendant agree that in order to convict Defendant of
18 Conspiracy to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1) &
19 (b)(1)(A)(i) and 846, the United States would have to prove beyond a reasonable
20 doubt the following elements:
21
22

- 23 (a). First, from on or about July 1, 2019 and continuing to on or about
24 December 6, 2019, there was an agreement between two or more persons to
25 commit at least one crime as charged in the Indictment (to wit, to distribute
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27
28

1 one kilogram or more of a mixture or substance containing a detectable
2 amount of heroin); and

3
4 (b). Second, the Defendant became a member of the conspiracy knowing
5 of at least one of its objects and intending to help accomplish it.

6 **8. Factual Basis and Statement of Facts:**

7
8 The United States and Defendant stipulate and agree that the following facts
9 are accurate; that the United States could prove these facts beyond a reasonable
10 doubt at trial; and that these facts constitute an adequate factual basis for
11 JONATHAN PARRA's guilty plea. This statement of facts does not preclude
12 either party from presenting and arguing, for sentencing purposes, additional facts
13 which are relevant to the guideline computation or sentencing, unless otherwise
14 prohibited in this agreement.
15

16
17 From on or about July 1, 2019 and continuing to on or about December 6,
18 2019, Defendant agreed with other individuals to distribute heroin. On numerous
19 occasions during that time period, Defendant received instructions from persons in
20 Mexico directing him where and to whom to distribute different drugs, including
21 heroin. Defendant did as directed and met with other individuals and provided
22 heroin to them. Defendant resided in Pasco at the time, and distributed heroin in
23 the Tri-Cities area. The amount of the heroin was over one kilogram. Defendant
24 knew the substance was heroin. Defendant knowingly conspired with others to
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1 distribute over 1 kilogram of a mixture or substance containing a detectable
2 amount of heroin.

3
4 **9. The United States Agrees:**

5 The United States Attorney's Office for the Eastern District of Washington
6 agrees not to bring any additional charges against the Defendant based upon
7 information in its possession at the time of this Plea Agreement and arising out of
8 Defendant's conduct involving illegal activity charged in the Indictment in this
9 case, unless the Defendant breaches this Plea Agreement any time before or after
10 sentencing. The United States also agrees to dismiss the remaining counts of the
11 Indictment against Defendant, if any.
12
13

14
15 **10. United States Sentencing Guideline Calculations:**

16 Defendant understands and acknowledges that the Court will consult the
17 United States Sentencing Guidelines (hereinafter "U.S.S.G.") and take them into
18 account when sentencing. Defendant also understands, however, that pursuant to
19 *United States v. Booker*, 543 U.S. 220 (2005), the Sentencing Guideline range is
20 advisory and that the court is required to consider the factors set forth in 18 U.S.C.
21 § 3553(a) and to impose a reasonable sentence.
22
23

24 (a.) Acceptance of Responsibility:

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26 If Defendant pleads guilty and demonstrates a recognition and an affirmative
27 acceptance of personal responsibility for the criminal conduct; provides complete
28

1 and accurate information during the sentencing process; does not commit any
2 obstructive conduct; and enters a plea of guilty as soon thereafter as it may be
3 placed on the court's docket, the United States will recommend that Defendant
4 receive a two (2) level reduction for acceptance of responsibility, and if
5 Defendant's adjusted offense level is sixteen (16), or greater, the United States will
6 move for a one (1)-level reduction for timeliness. See U.S.S.G. § 3E1.1(a) and (b).
7

8
9 The Defendant and the United States agree that the United States may at its
10 option and upon written notice to the Defendant, not recommend a three (3) level
11 downward reduction for acceptance of responsibility if, prior to the imposition of
12 sentence, the Defendant is charged or convicted of any criminal offense
13 whatsoever or if the Defendant tests positive for any controlled substance.
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16 (b.) Criminal History:

17 The United States and Defendant make no agreement regarding Defendant's
18 criminal history.
19

20 (c.) Other Guideline Calculations:

21 The United States and Defendant agree that Defendant's Base Offense Level
22 is 36.
23

24 The United States and Defendant agree that a two level enhancement applies
25 for possession of a firearm.
26

27 The United States agrees that no other enhancements apply.
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1 **11. Incarceration:**

2 Pursuant to Rule 11(c)(1)(C), Federal Rules of Criminal Procedure, the
3
4 United States agrees to recommend that the Court impose a sentence of 135
5 months imprisonment. The Defendant has the option to withdraw from this Plea
6 Agreement if the Court imposes a sentence of incarceration greater than 135
7 months.
8

9 Defendant may argue for any legal sentence.
10

11 **12. Fines:**

12 The United States and Defendant reserve the right to make whatever
13 recommendation they believe is appropriate concerning the imposition of a
14 criminal fine.
15

16 **13. Supervised Release:**

17 The United States and Defendant agree to recommend that the Court impose
18 a 5 year term of supervised release.
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20 **14. Mandatory Special Penalty Assessment:**

21 Defendant agrees to pay the \$100 mandatory special penalty assessment to
22 the Clerk of Court for the Eastern District of Washington, at or before sentencing,
23 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the
24 United States before sentencing as proof of this payment.
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1 **15. Payments While Incarcerated:**

2 If Defendant lacks the financial resources to pay the monetary obligations
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4 imposed by the Court, Defendant agrees to earn the money to pay toward these
5 obligations by participating in the Bureau of Prisons' Inmate Financial
6 Responsibility Program.
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8 **16. Appeal Rights:**

9 The Defendant understands that he/she has a limited right to appeal or
10
11 challenge the conviction and sentence imposed by the Court. The Defendant
12 hereby expressly waives his/her right to appeal his/her conviction and the sentence
13 the Court imposes, including any restitution order. The Defendant further
14 expressly waives his/her right to file any post-conviction motion attacking his/her
15 conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except
16 one based upon ineffective assistance of counsel based on information not now
17 known by Defendant and which, in the exercise of due diligence, could not be
18 known by Defendant by the time the Court imposes the sentence.
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21

22 Defendant acknowledges that this waiver shall result in the dismissal of any
23 appeal or collateral attack Defendant might file challenging the conviction or
24 sentence in this case, except for ineffective assistance of counsel as noted above.
25
26 If Defendant files a notice of appeal, a habeas petition, or other collateral attack,
27 notwithstanding this agreement, Defendant agrees that this case shall, upon motion
28

1 of the Government, be remanded to the District Court to determine whether
2 Defendant is in breach of this agreement and, if so, to permit the Government to
3 withdraw from the Plea Agreement.
4

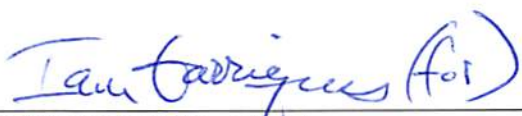
5 **17. Integration Clause:**

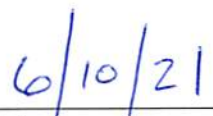
6 The United States and Defendant acknowledge that this document
7
8 constitutes the entire Plea Agreement between the United States and Defendant,
9 and no other promises, agreements, or conditions exist between the United States
10 and Defendant concerning the resolution of the case. This Plea Agreement is
11 binding only upon the United States Attorney's Office for the Eastern District of
12 Washington, and cannot bind other federal, state or local authorities. The United
13 States and Defendant agree that this agreement cannot be modified except in a
14 writing that is signed by the United States and Defendant.
15
16

17 **Approvals and Signatures**

18
19 Agreed and submitted on behalf of the United States Attorney's Office for
20 the Eastern District of Washington.
21

22 JOSEPH H. HARRINGTON
23 Acting United States Attorney

24 
25 BENJAMIN D. SEAL
26 Assistant United States Attorney
27
28


Date

1 I have read this Plea Agreement and have carefully reviewed and discussed
2 every part of the agreement with my attorney. I understand and voluntarily enter
3 into this Plea Agreement. Furthermore, I have consulted with my attorney about
4 my rights, I understand those rights, and I am satisfied with the representation of
5 my attorney in this case. No other promises or inducements have been made to
6 me, other than those contained in this Plea Agreement, and no one has threatened
7 or forced me in any way to enter into this Plea Agreement. I am agreeing to plead
8 guilty because I am guilty.
9
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12
13  6/3/21
14 JONATHAN PARRA Date
15 Defendant

16 I have read the Plea Agreement and have discussed the contents of the
17 agreement with my client. The Plea Agreement accurately and completely sets
18 forth the entirety of the agreement between the parties. I concur in my client's
19 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason
20 why the Court should not accept Defendant's plea of guilty.
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23
24  6/3/21
25 KEN THERRIEN Date
26 Attorney for Defendant
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